

Application No. 10/751,370
Response Dated December 5, 2005
Reply to Office Action of November 4, 2005

REMARKS/ARGUMENTS

Submitted herewith is a supplemental amendment to the amendment filed September 30, 2005, in compliance 37 C.F.R. § 1.111(b). In the September 30, 2005 amendment, new claims 21-41 were introduced, together with amended claims 1, 7 and 17 and claims 2-4, 8 and 9, for prosecution in the present application.

In the November 4, 2005 Office Communication, the Primary Examiner indicated that “[t]he reply filed on 30 September 2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Regarding new claims 21-41 the response has not fully complied with 37 C.F.R. § 1.111(b) which states ‘[t]he reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section.’”

Applicant appreciates very much the Primary Examiner’s review of the amendment filed September 30, 2005 in response to the June 27, 2005 Office Action.

In response, without acquiescing to the statements made therein, applicant respectfully sets forth below the specific distinctions between the new claims 21-41 and the cited references, U.S. Pat. No. 5,280,935 to Sobocan (hereinafter “Sobocan”) and U.S. Pat. No. 4,915,403 to Wild et al. (hereinafter “Wild”), in the June 27, 2005 Office Action.

New Claims 21-29:

New claim 21, among other unique limitations, recites a skateboard that requires “a footboard having a front and a rear; multiple wheels; and a drive mechanism coupled to both the footboard and the wheels, *the drive mechanism being configured to drive at least some of the*

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wheels in response to alternate pivoting of the footboard toward the front and the rear of the footboard." (Emphasis added.)

In contrast, as shown in Figs. 1-8 and understood by applicant, Sobocan discloses a skateboard having a footboard that is "with respect to a respective reference plane which a riding straight (=x plane) is *parallel to the riding path* (=the ground), and at turning (=x" plane) is with respect to the direction of riding slanted to one or the other side, is *rhythmically swung around a longitudinal axis (O)* of swinging lying in suspensions (4, 5) of the skateboard." Sobocan Abstract. (Emphasis added.) Thus, Sobocan does not disclose or teach a skateboard that requires "a drive mechanism coupled to both the footboard and the wheels, *the drive mechanism being configured to drive at least some of the wheels in response to alternate pivoting of the footboard toward the front and the rear of the footboard,*" according to new claim 21 of the present invention.

Furthermore, as shown in FIG. 1 and understood by applicant, Wild discloses a skateboard that has "[a] board 7 arranged on the frame 1 is *subdivided into a fixed section 7a and a pedal section 7b* at the location J. The fixed section 7a is rigidly fixed to the frame 1 by means of screws S.... The pedal 7b is movably articulated on the pedal 7a by means of a hinge 8. The section 7b could also be movably mounted directly on the frame 1. On account of this arrangement, the pedal 7b can be pressed downwards about the axis of the hinge 8 in the direction of the arrow P (FIG. 1) until it has reached its lowermost position shown by broken lines." Wild, col. 2, lines 41-55. (Emphasis added.) Therefore, Wild does not disclose or teach a skateboard that requires "a drive mechanism coupled to both the footboard and the wheels, *the drive mechanism being configured to drive at least some of the wheels in response to alternate pivoting of the footboard toward the front and the rear of the footboard,*" according to new claim 21 of the present invention.

Accordingly, neither Sobocan nor Wild, taken alone or in combination, suggest or teach a skateboard that requires "a drive mechanism coupled to both the footboard and the wheels, *the*

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drive mechanism being configured to drive at least some of the wheels in response to alternate pivoting of the footboard toward the front and the rear of the footboard," according to new claim 21 of the present invention. (Emphasis added.)

For at least the foregoing reasons, independent new claims 21 is patentable under 35 U.S.C. § 102 and § 103 over the cited references.

Accordingly, new claims 22-29, which depend from now allowable new claim 21, are patentable at least for this reason.

New Claims 30-38:

New claim 30, among other unique limitations, recites a skateboard that comprises "a footboard having a front and a rear; multiple wheels; a drive mechanism coupled to both the footboard and the wheels, the drive mechanism being configured to drive at least two of the wheels; and a steering mechanism coupled to both the footboard and the drive mechanism *the steering mechanism being configured to pivot the drive mechanism in response to a lateral force applied to the footboard to enable steering of the skateboard.*" (Emphasis added.)

In contrast, as shown in Figs. 1-8 and understood by applicant, Sobocan discloses a skateboard having a footboard that is "with respect to a respective reference plane which at riding straight (=x plane) is *parallel to the riding path* (=the ground), and at turning (=x" plane) is with respect to the direction of riding slanted to one or the other side, is *rhythmically swung around a longitudinal axis (O)* of swinging lying in suspensions (4, 5) of the skateboard." Sobocan, Abstract. (Emphasis added.) Thus, Sobocan does not disclose or teach a skateboard that requires "a steering mechanism coupled to both the footboard and the drive mechanism, *the steering mechanism being configured to pivot the drive mechanism in response to a lateral force applied to the footboard to enable steering of the skateboard,*" according to new claim 30 of the present invention.

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Furthermore, as shown in FIG. 1 and understood by applicant, Wild discloses a skateboard that has "[a] board 7 arranged on the frame 1 is *subdivided into a fixed section 7a and a pedal section 7b* at the location J. The fixed section 7a is rigidly fixed to the frame 1 by means of screws S.... The pedal 7b is movably articulated on the pedal 7a by means of a hinge 8. The section 7b could also be movably mounted directly on the frame 1. On account of this arrangement, the pedal 7b can be pressed downwards about the axis of the hinge 8 in the direction of the arrow P (FIG. 1) until it has reached its lowermost position shown by broken lines." Wild, col. 2, lines 41-55. (Emphasis added.) Therefore, Wild does not disclose or teach a skateboard that requires "a steering mechanism coupled to both the footboard and the drive mechanism, *the steering mechanism being configured to pivot the drive mechanism in response to a lateral force applied to the footboard to enable steering of the skateboard,*" according to new claim 30 of the present invention.

Accordingly, neither Sobocan nor Wild, taken alone or in combination, suggest or teach a skateboard that requires "a steering mechanism coupled to both the footboard and the drive mechanism, *the steering mechanism being configured to pivot the drive mechanism in response to a lateral force applied to the footboard to enable steering of the skateboard,*" according to new claim 30 of the present invention. (Emphasis added.)

For at least the foregoing reasons, independent new claims 30 is patentable under 35 U.S.C. § 102 and § 103 over the cited references.

Accordingly, new claims 31-38, which depend from allowable new claim 30, are patentable at least for the above reasons.

New Claims 39-41:

New claim 39, among other unique limitations, recites a skateboard that comprises "a *single-piece footboard* having a front and a rear; front and rear axles; two wheels mounted to each axle; a drive mechanism coupled to both the footboard and the axles, ...; wherein the

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footboard is pivotable about the pivot point so as to be alternately pivoted downward at the front and rear to displace the racks and thereby drive their gear trains to, in turn, drive the wheels such that such *front and rear alternate pivoting drives the skateboard in a forward direction.*"

In contrast, as shown in Figs. 1-8 and understood by applicant, Sobocan discloses a skateboard having a footboard that is "with respect to a respective reference plane which a riding straight (=x plane) is *parallel to the riding path* (=the ground), and at turning (=x" plane) is with respect to the direction of riding slanted to one or the other side, is *rhythmically swung around a longitudinal axis (O)* of swinging lying in suspensions (4, 5) of the skateboard." Sobocan, Abstract. (Emphasis added.) Thus, Sobocan does not disclose or teach a skateboard that requires "a single-piece footboard having a front and a rear; front and rear axles; two wheels mounted to each axle; a drive mechanism coupled to both the footboard and the axles, ...; wherein the *footboard is pivotable about the pivot point* so as to be alternately pivoted downward at the front and rear to displace the racks and thereby drive their gear trains to, in turn, drive the wheels such that such *front and rear alternate pivoting drives the skateboard in a forward direction.*" according to new claim 39 of the present invention.

Furthermore, as shown in FIG. 1 and understood by applicant, Wild discloses a skateboard that has "[a] board 7 arranged on the frame 1 is *subdivided into a fixed section 7a and a pedal section 7b* at the location J. The fixed section 7a is rigidly fixed to the frame 1 by means of screws S.... The pedal 7b is movably articulated on the pedal 7a by means of a hinge 8. The section 7b could also be movably mounted directly on the frame 1. On account of this arrangement, the pedal 7b can be pressed downwards about the axis of the hinge 8 in the direction of the arrow P (FIG. 1) until it has reached its lowermost position shown by broken lines." Wild, col. 2, lines 41-55. (Emphasis added.) Therefore, Wild does not disclose or teach a skateboard that requires "a *single-piece footboard* having a front and a rear; front and rear axles; two wheels mounted to each axle; a drive mechanism coupled to both the footboard and the axles, ...; wherein the *footboard is pivotable about the pivot point* so as to be alternately pivoted downward at the front and rear to displace the racks and thereby drive their gear trains to, in turn,

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drive the wheels such that such *front and rear alternate pivoting drives the skateboard in a forward direction.*" according to new claim 39 of the present invention.

Accordingly, neither Sobocan nor Wild, taken alone or in combination, suggest or teach a skateboard that requires "a single-piece footboard having a front and a rear; front and rear axles; two wheels mounted to each axle; a drive mechanism coupled to both the footboard and the axles, ...; wherein the *footboard is pivotable about the pivot point* so as to be alternately pivoted downward at the front and rear to displace the racks and thereby drive their gear trains to, in turn, drive the wheels such that such *front and rear alternate pivoting drives the skateboard in a forward direction.*" according to new claim 39 of the present invention. (Emphasis added)

For at least the foregoing reasons, independent new claims 39 is patentable under 35 U.S.C. § 102 and § 103 over the cited references.

Accordingly, new claims 40 and 41, which depend from allowable new claim 39, are patentable at least for the above reasons.

It is now believed that the application is in condition for allowance at least for the reasons set forth below and such allowance is respectfully requested.

CONCLUSION

Applicant respectfully submits that the foregoing Supplemental Amendment and Response place this application in condition for allowance. If the Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any informalities that can be corrected by an Examiner's amendment, please call the undersigned at 404.491.3678.

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Applicant respectfully requests that the Examiner kindly updates his record in the Office to reflect the fact the undersigned now is applicant's attorney on the record and any future correspondence should send to the undersigned.

Respectfully submitted,

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December 5, 2005



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